THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.315 of 2006

Dated 28-04-2006

Between:

P. Suresh Babu.

..... PETITIONER

AND

Hindustan Petroleum Corporation Limited,

Mumbai, and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.315 of 2006

O R D E R:

The writ petition is filed seeking a direction that the respondents 1 to 3 shall conduct a thorough enquiry with regard to the eligibility of the fourth respondent for consideration of his appointment as dealer of the retail outlet at 121/Warangal
X Roads, Yedulapuram, Khammam District, under the category of schedule caste.

The facts in brief are as under:

The first respondent Hindustan Petroleum Corporation Limited issued a notification dated 20-06-2005 inviting applications from the eligible candidates for award of retail outlet dealership in question. It is not in dispute that the dealership in question was notified under the reserved category of scheduled caste. The interviews were held by the duly constituted selection committee on 10-11-2005. Admittedly the fourth respondent was empanelled as the first candidate whereas the petitioner was empanelled as the second candidate in the merit panel. Aggrieved by the said action, the present writ petition is filed contending that the fourth respondent was ineligible inasmuch as his unmarried son had got a retail outlet dealership of Bharat Petroleum at Vijayawada in the name and style of Raja Filling Station which is a disqualification under the terms and conditions of the notification dated 20-06-2005.

In response to the Rule Nisi ordered on 06-01-2006, on behalf of the

Corporation, a detailed counter-affidavit has been filed stating that in the preliminary investigation conducted by the Corporation it was found that the son of the fourth respondent was married on 02-06-2004 itself whereas the dealership in question was granted on 30-08-2005. It was also found that the family partition took place much prior to the grant of dealership in question i.e., on 30-07-2005. On the basis of the material produced by the fourth respondent, the respondent-Corporation, having been satisfied that the son of the fourth respondent has been operating the dealership at Vijayawada independently, granted the dealership in question in favour of the fourth respondent.

The fourth respondent filed a separate counter affidavit on the same lines.

I have heard both parties and perused the material on record.

As per the guidelines issued by the Government of India, an applicant for a Retail Outlet Dealership should not already have a Dealership/Distributorship or a Letter of Intent for the same of any Oil Company, either in his/her name or that of a spouse or unmarried sons or daughters. Thus it is clear that a family unit consists of the individual concerned, the spouse and unmarried sons and daughters. In the case on hand, the respondent-Corporation, having conducted the necessary enquiry, found that the son of the fourth respondent was married on 02-06-2004 itself and therefore the fourth respondent did not suffer from any disqualification. No other material has been placed before this Court by the petitioner to show that the version of the fourth respondent was wrong. Hence, I do not find any justifiable reason to issue a Mandamus directing the respondent-Corporation to conduct further enquiry with regard to the alleged disqualification suffered by the fourth respondent. It is also relevant to note that the selection was conducted by a duly constituted Dealer selection committee consisting of experts. This Court, while exercising the jurisdiction under Article 226 of the Constitution of India, will not sit in appeal against such decision of the selection

committee unless the decision is *mala fide* or made in violation of any statutory provisions.

Since no such case is made out, the writ petition is without any substance and accordingly the same is dismissed. Needless to mention that the interim order granted on 06-01-2006 shall stand vacated. No costs.

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(G. ROHINI, J)

Date:28-04-2006

ghn